

Translation

PATENT COOPERATION TREATY

PCT/EP2003/014253



PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY  
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

|   |   |   |
|---|---|---|
| Applicant's or agent's file reference<br>24474WO/23(2)                                    | FOR FURTHER ACTION  | See Form PCT/IPEA/416   |
| International application No.<br>PCT/EP2003/014253  | International filing date (day/month/year)<br>15 December 2003 (15.12.2003) | Priority date (day/month/year)<br>16 December 2002 (16.12.2002) |
| International Patent Classification (IPC) or national classification and IPC<br>B04B 1/12 |   |   |
| Applicant<br>WESTFALIA SEPARATOR AG   |   |   |

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
  - a. ☒ (sent to the applicant and to the International Bureau) a total of 9 sheets, as follows:
    - ☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
    - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
  - b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s))                     , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

- ☒ Box No. I Basis of the report
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

|  |   |
|--|---|
| Date of submission of the demand<br>27 May 2004 (27.05.2004) | Date of completion of this report<br>11 May 2005 (11.05.2005) |
| Name and mailing address of the IPEA/EP                      | Authorized officer  |
| Facsimile No.  | Telephone No.   |

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

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## Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language \_\_\_\_\_, which is language of a translation furnished for the purpose of:
- ☐ international search (under Rules 12.3 and 23.1(b))
- ☐ publication of the international application (under Rule 12.4)
- ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

- ☐ The international application as originally filed/furnished
- ☒ the description:
- pages \_\_\_\_\_ 4-11 \_\_\_\_\_, as originally filed/furnished
- pages\* \_\_\_\_\_ 1-3, 3a \_\_\_\_\_ received by this Authority on 10 February 2005 (10.02.2005)
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☒ the claims:
- pages \_\_\_\_\_, as originally filed/furnished
- pages\* \_\_\_\_\_, as amended (together with any statement) under Article 19
- pages\* \_\_\_\_\_ 1-27 \_\_\_\_\_ received by this Authority on 10 February 2005 (10.02.2005)
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☒ the drawings:
- pages \_\_\_\_\_ 1/9-9/9 \_\_\_\_\_, as originally filed/furnished
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

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## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. Statement

|                               |        |      |     |
|-------------------------------|--------|------|-----|
| Novelty (N)                   | Claims | 1-27 | YES |
|                               | Claims |      | NO  |
| Inventive step (IS)           | Claims | 1-27 | YES |
|                               | Claims |      | NO  |
| Industrial applicability (IA) | Claims | 1-27 | YES |
|                               | Claims |      | NO  |

### 2. Citations and explanations

Document **US-A-2695748**, which is considered to represent the closest prior art, discloses (cf. figure 9) a separator from which the subject matter of claim 1 differs in that

- at least one wear protection system is arranged and/or designed in the area of each of the solid material outlet nozzles in the outer surface of the drum,
- the wear protection systems being designed as wear protection elements, and
- the wear protection elements are arranged behind each of the outlet nozzles, viewed in the direction of rotation.

The subject matter of claim 1 is therefore novel (PCT Article 33(2)).

The present invention can therefore be considered to address the problem of protecting the separator against wear caused by the product phase exiting through the solid material outlet nozzles.

The solution to this problem, as proposed in claim 1 of the present application, involves an inventive step (PCT

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Article 33(3)) because no hint can be found in the searched prior art that would prompt a person skilled in the art addressing the technical problem in question to provide the outer drum surface of the separator known from US-A-2695748 with a separate wear protection system in such a manner that the resultant separator would be covered by claim 1.

Claims 2-27 are dependent on claim 1 and therefore likewise meet the PCT novelty and inventive step requirements.